



ITALIAN UTILITY MODELS

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Subject matter

Utility models grant a monopoly for new models which confer particular efficiency or functional advantages to machines or parts of them, instruments, tools or objects in general, such as new models having particular shape, disposition, configuration or combinations of parts. A utility model for machines does not include the protection for each single part of the machine.

Utility models in Italy cannot cover methods and processes.

Maximum term of an Italian utility model

The maximum term for a utility model in Italy is 10 years from the filing date. At the time of filing of the application the filing fee also covers the maintenance for the years 1 to 4. At the end of the fourth year from filing a single maintenance fee is due for the years 5 to 10.

Filing requirements for Italian utility models

The application must be filed in Italian directly with the Patent Office UIBM or else at the local Chamber of Commerce, or else online. The filing fee must be paid at the time of filing.

The application must contain an abstract, a description and claims. Drawings may also be enclosed if necessary to understand the invention.

The applicant must be indicated, together with its contact details.

If the case, the Italian patent attorney who represents the applicant (mandatory for applicant not having an address of service in Italy) must also be indicated and the executed Power of Attorney (PoA) has to be enclosed. The executed

PoA can still be filed within two months from the filing date of the utility model application.

The inventor(s) must be indicated. A declaration is not necessary, name(s) and surname(s) suffice.

Processing by the Patent Office

In Italy the applications for utility model are not examined but to formal requirements. The Patent Office does not assesses if the utility model application is:

- new and inventive over prior art;
- discloses the invention in a sufficient manner for a skilled person;
- has industrial applicability;
- is contrary to morality.

These requirements are examined during litigation by the Judge and the technical expert (CTU) named by the Judge.

Publication of the utility model

Publication occurs, as usual, 18 months from the filing date of the application or from the oldest priority date, if claimed.

Only at the time of filing the applicant may request accelerated publication, that occurs about 3 months from filing.

Grant of the application

Normally the Italian Patent Office grants utility models within 2 years from filing of the related application.

Fees

If the application is filed by paper, the filing fee is equal to Euro 120.

If the application is filed online, the filing fee is equal to Euro 50.

No claim fee is requested.

The maintenance fee for the years 5 to 10 is equal to Euro 500.

Professional representative

Italian companies/residents need not to appoint a professional representative.

Foreign companies/residents must appoint a chartered Italian patent attorney.

Priority

Utility models confer the applicant with the priority right.

Transfer of rights and license

It is advisable to record with the Italian Patent Office any transfer of right or license.

Fiscal aspects

Utility models constitute immaterial assets of the company.

Scheme of the procedure

